

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-211747

DATE: May 31, 1983

MATTER OF: Heller Truck Body Corporation

DIGEST:

GAO has no authority to prohibit contract award pending resolution of district court suit against Small Business Administration determination that bidder is not small business.

Heller Truck Body Corporation (Heller), the low bidder under invitation for bids (IFB) No. DAAE07-82-B-5940, a small business set-aside issued by the Army Tank-Automotive Command, protests the award of a contract to any other bidder under the IFB while there is pending in the district court Heller's suit against the Small Business Administration determination that Heller is not a small business.

We dismiss the protest.

Our Office has no authority to prohibit a contract award pending the court's resolution of the suit. The proper forum for seeking injunctive relief is the Federal courts. Check Mate Industries, Inc., B-194612, June 12, 1979, 79-1 CPD 413. See also Hoffman - Whitehead Co., B-208472, August 30, 1982, 82-2 CPD 186; Gulf Apparel Corp., B-206267, February 17, 1982, 82-1 CPD 144.

for *F. H. Barclay*
Harry R. Van Cleve
Acting General Counsel

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